

ELECTRONICALLY
FILED
Nov 08 2018
U.S. DISTRICT COURT
Northern District of WV

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

v.

Civil No. 5:18-cv-185 (Judge Bailey)

\$1,974.00 IN UNITED STATES CURRENCY

Defendant.

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

The United States brings this complaint and alleges as follows in accordance with Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions:

NATURE OF THE ACTION

1. This is a civil forfeiture action against property involved in violations of the Controlled Substances Act that is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

THE DEFENDANT IN REM

2. The defendant is \$1,974.00 in United States currency (hereinafter, the “Defendant Property”).

3. The Defendant Property was seized on March 27, 2018, pursuant to the execution of a search warrant at 5602 Congressional Place Apt. E, Hilliard, Ohio. The Defendant Property is presently located in the custody of the United States Marshals Service.

JURISDICTION AND VENUE

4. This action to remedy a violations of 21 U.S.C. §§ 846 and 841 by forfeiting property under 21 U.S.C. § 881, is governed by 18 U.S.C. § 983.

5. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1345 and 1355(a), because this forfeiture action has been commenced by the United States.

6. The Court has *in rem* jurisdiction pursuant to: (1) 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in this district; and (2) 28 U.S.C. § 1355(b)(1)(B), incorporating 21 U.S.C. § 881(j), because a criminal prosecution of the owner of the property has been brought in this district.

7. Venue is proper pursuant to 28 U.S.C. §1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in this judicial district.

8. Upon the filing of this complaint, the plaintiff requests that the Clerk issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b)(i), which the plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(C).

BASIS FOR FORFEITURE

9. The Defendant Property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes: (1) money furnished and intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act; (2) proceeds traceable to such exchange; and (3) money used and intended to be used to facilitate a violation of the Controlled Substances Act.

10. To the extent applicable, pursuant to 21 U.S.C. § 881(h), all right, title and interest in the Defendant Property vested in the United States upon commission of the acts giving rise to the forfeiture in this action.

FACTS

11. The following facts establish a reasonable belief that the government will be able to meet its burden of proof at trial. The facts alleged in this Complaint are based upon information and belief, the sources of which are agents and reports from the Marshall County Drug Task Force (the “Task Force”), the Drug Enforcement Administration (the “DEA”), and other written and oral information received by the United States Attorney’s Office for the Northern District of West Virginia.

12. Beginning on or around February 2017, the Task Force received information that members of the Elaine Street Crips gang were traveling from Columbus, Ohio, to the Northern District of West Virginia for the purpose of trafficking crystal methamphetamine, heroin, and cocaine.

13. Based on this information, the Task Force commenced an investigation.

14. Crystal methamphetamine and cocaine are Schedule II drug controlled substances.

15. Heroin is a Schedule I drug controlled substance.

16. The investigation revealed a multi-state drug trafficking organization with distribution operations in Marietta, Ohio, Parkersburg, West Virginia, Sistersville, West Virginia, Paden City, West Virginia, and New Martinsville, West Virginia.

17. The investigation further revealed that individuals in the drug trafficking organization from Columbus, Ohio, along with local residents in Wetzel County, and Tyler

County, West Virginia, were responsible for multi-kilogram deliveries of crystal methamphetamine, heroin, and cocaine in the Northern District of West Virginia for distribution.

18. Law enforcement identified Rodriques M. Evans (“Evans”) as a leader of this drug trafficking organization.

19. Evans made repeated trips to West Virginia and to cities in southern Ohio to distribute narcotics to local dealers.

20. Local dealers would re-distribute the controlled substances for Evans.

21. At all relevant times, Evans resided at 5602 Congressional Place, Apartment E, in Hilliard, Ohio.

22. Law enforcement repeatedly observed Evans leave from and return to this residence during his narcotics distribution activities.

23. At all relevant times, Marisa Page (“Page”) is the girlfriend of Evans.

24. Law enforcement identified Page as a co-conspirator in this drug trafficking organization.

25. The investigation revealed that Page collected incoming payments for controlled substances via wire transfers from the Northern District of West Virginia, to Columbus, Ohio.

26. On April 3, 2018, a grand jury sitting in the Northern District of West Virginia returned an Indictment in Case No. 5:18CR14, charging Marisa Page, Rodriques Evans, and six co-conspirators with conspiracy to possess with intent to distribute and to distribute controlled substances, that is, methamphetamine, heroin, cocaine, and cocaine base, in violation of 21 U.S.C. §§ 846 and 841.

27. On March 27, 2018, law enforcement obtained a federal arrest warrant for Evans.

28. On March 27, 2018, law enforcement arrested Evans at 5602 Congressional Place, Apartment E, Hilliard, Ohio.

29. During the arrest, law enforcement observed the Defendant Property in a stack on the bed where Evans had previously been in contact.

30. Subsequently, law enforcement obtained a search warrant for the residence and seized the Defendant Property.

31. Large amounts of cash layered in a stack is indicative of drug trafficking currency.

32. This method of bundling or “stacking” U.S. Currency is used to better facilitate the quick count and quick exchange process when meeting with co-conspirators in the drug trafficking world.

33. Marisa Page filed an administrative claim to the Defendant Property with the DEA on May 14, 2018.

34. Page’s claim removes the forfeiture from an administrative proceeding to a judicial proceeding. 18 U.S.C. § 983(a)(3); 28 C.F.R. §§ 8.10 and 8.13.

35. Pursuant to 18 U.S.C. § 983(a)(3), and absent an extension of time, the deadline for the United States to file a judicial forfeiture action on the Defendant Property is August 13, 2018.

36. The government and counsel for Page agreed by stipulation to a 90-day extension to extend the government’s deadline to commence a judicial forfeiture action to November 13, 2018, in Northern District of West Virginia Case No. 3:18MC91.

CLAIM FOR RELIEF

37. Paragraphs 1 - 36 are incorporated by reference.

38. The Defendant Property is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6) because it constitutes: (1) money furnished and intended to be furnished in exchange for a controlled substance in violation of the Controlled Substances Act; (2) proceeds traceable to such exchange; or (3) money used and intended to be used to facilitate a violation of the Controlled Substances Act.

WHEREFORE, plaintiff prays that all persons who reasonably appear to be potential claimants with interests in the Defendant Property be cited to appear herein and answer the Complaint; that the Defendant Property be forfeited and condemned to the United States of America; that upon Final Decree of Forfeiture, the United States Marshal dispose of the Defendant Property according to law; that the plaintiff be awarded its costs and disbursements in this action; and that the plaintiff have such other and further relief as this Court deems proper and just.

Respectfully submitted,

WILLIAM J. POWELL
UNITED STATES ATTORNEY

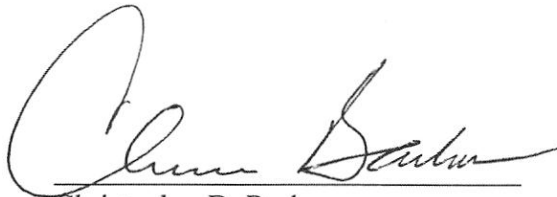
By: /s/ L. Danaë DeMasi-Lemon
L. Danaë DeMasi-Lemon
Assistant United States Attorney
WV Bar No. 10814
United States Attorney's Office
1125 Chapline Street, Suite 3000
Wheeling, WV 26003
Phone: (304) 234-0100
danae.demasi@usdoj.gov

VERIFICATION

I, Christopher D. Barbour, hereby verify and declare that I have read the foregoing Verified Complaint for Forfeiture *In Rem* and know the contents thereof, and that the factual matters contained in the Complaint are true to my knowledge and belief. The sources of my knowledge are the official files and records of the United States, information supplied to me by law enforcement officers, and my participation in this investigation.

I hereby verify and declare under penalty of perjury as provided by 28 U.S.C. § 1746 that the foregoing is true and correct.

Dated: 11/7/2018

A handwritten signature in black ink, appearing to read "Chris Barbour", written over a horizontal line.

Christopher D. Barbour
Special Agent
DEA
Marshall County Drug Task Force

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
L. Danae DeMasi-Lemon, AUSA (304) 234-2100
1125 Chapline St., Suite 3000
Wheeling, WV 26003

DEFENDANTS

\$1,974.00 in United States Currency

County of Residence of First Listed Defendant Marshall
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Title 18, United States Code, Section 983

Brief description of cause:
Drug Related Seizure and Forfeiture of Property

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

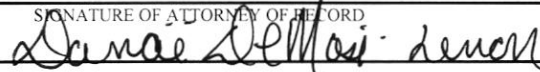
JUDGE John Preston Bailey

DOCKET NUMBER 5:18-cr-14

DATE
11/08/2018

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY



RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____